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6 Attorney for Miguel Anthony Bourque

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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 MIGUEL ANTHONY BOURQUE,
14 Defendant.

Case No. 2:17-cr-00131-KJD-VCF

MOTION TO WITHDRAW THE
MOTION TO SUPPRESS & VACATE
EVIDENTIARY HEARING

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16 COMES NOW the defendant, MIGUEL ANTHONY BOURQUE, by and through his
17 counsel of record, NISHA BROOKS-WHITTINGTON, Assistant Federal Public Defender, and
18 hereby files this Motion to Withdraw the Motion to Suppress Evidence Due to Fourth
19 Amendment Violations and Vacate the Evidentiary Hearing. This Motion is based upon the
20 attached Memorandum of Points and Authorities and all of the papers and pleadings on file
21 herein.

22 DATED this 25th day of October, 2017.

23 RENE L. VALLADARES
24 Federal Public Defender

25 By: /s/ Nisha Brooks-Whittington

26 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender
Attorney for Miguel Anthony Bourque

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 On September 13, 2017, Miguel Anthony Bourque ("Mr. Bourque") filed a Motion to
3 Suppress Evidence Due to Fourth Amendment Violations ("Motion to Suppress"). ECF No. 39.
4 The government filed its response to the Motion to Suppress on September 29, 2017. ECF No.
5 44. On October 11, 2017, Mr. Bourque filed his Reply. ECF No. 48. An evidentiary hearing
6 is currently scheduled for November 1, 2017 at 11:00 a.m. ECF No. 49. The parties have
7 negotiated the case rendering the motion and evidentiary hearing unnecessary. Mr. Bourque,
8 through his attorney of record, Nisha Brooks-Whittington, hereby respectfully requests that this
9 Court withdraw his Motion to Suppress and vacate the evidentiary hearing.

10 DATED this 25th day of October, 2017.

11 Respectfully submitted,
12 RENE L. VALLADARES
Federal Public Defender

13 By: /s/ Nisha Brooks-Whittington
14 NISHA BROOKS-WHITTINGTON
15 Assistant Federal Public Defender
Attorney for Miguel Anthony Bourque

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18 IT IS HEREBY ORDERED that the evidentiary hearing scheduled for November 1, 2017
19 is VACATED.

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21 **IT IS SO ORDERED.**

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23 **UNITED STATES MAGISTRATE JUDGE**

24 **DATED:** 10-26-2017

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That on October 25, 2017, she served an electronic copy of the above and foregoing

MOTION TO WITHDRAW THE MOTION TO SUPPRESS & VACATE

EVIDENTIARY HEARING by electronic service (ECF) to the person named below:

/s/ Cecilia Valencia
Employee of the Federal Public Defender